

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GRUBER *et al.*

Appl. No. 09/076,115

Filed: May 12, 1998

For: **Methods for Production and
Purification of Nucleic Acid
Molecules**



Art Unit: 1656

Examiner: Tung, J.

Atty. Docket: 0942.4350001/RWE/BJD

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**Third Supplemental Information Disclosure Statement
and Fee Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First and Second Supplemental Information Disclosure Statements filed on February 10, 1999, and April 19, 1999, respectively, and in Applicants' Information Disclosure Statement filed on October 19, 1998, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language publication, Doc. No. AO2, cited on the accompanying Form PTO-1449:

Doc. No. AO2, EPO Publication No. EP 0 645 449, is in the German language. The relevance of this document may be ascertained by reference to the unverified English

language abstract for this document (obtained from Derwent World Patents Index) which is cited herein as Doc. No. AS5.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Third Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before the mailing date of a final Office Action or Notice of Allowance, in the Continued Prosecution Application. In accordance with 37 C.F.R. § 1.97(c), fee payment of \$180.00 (37 C.F.R. § 1.17(p)) is included in our accompanying check number 30624.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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